

Rec 9/25/02
POM

**APPLICATION FOR
THE ABANDONMENT OF A
PUBLIC RIGHT-OF-WAY/EASEMENT**

Date: August 13, 2002

Location of Right-of-Way/Easement to be Abandoned: PORTIONS OF LOT 3
WOLF PEN PLAZA

Property Owner's Name & Address: ZP NO. 85, LTD
P.O. BOX 2628, WILMINGTON, NC 28402

Property Owner's Phone Number: (910) 254-1045

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF COLLEGE STATION:

The undersigned hereby makes application for the abandonment of that portion of the above right-of-way particularly described in Exhibit No. 1, attached. In support of this application, the undersigned represents and warrants the following:

1. The undersigned will hold the City of College Station harmless, and indemnify it against all suits, costs, expenses, and damages that may arise or grow out of such abandonment.
2. Attached, marked Exhibit No. 1, are two sealed metes and bounds descriptions (dividing the area in half) of the area sought to be abandoned, prepared by a Registered Public Surveyor.
3. Attached, marked Exhibit No. 2, are two copies of a plat or detailed sketch of that portion of the public right-of-way/easement sought to be abandoned and the surrounding area to the nearest streets in all directions, showing the abutting lots and block, and the subdivision in which the above described right-of-way/easement is situated, together with the record owners of such lots.
4. Attached, marked Exhibit No. 3, is the consent of all public utilities to the abandonment.
5. Attached, marked Exhibit No. 4, is the consent of the City of College Station staff to the abandonment.
6. Attached, marked Exhibit No. 5, is the consent of all the abutting property owners, except the following: (if none, so state)

NONE

7. Such public right-of-way/easement should be abandoned because:

NO PUBLIC UTILITIES EXIST WITHIN THE EASEMENT AREA.

8. Such public right-of-way/easement has been and is being used as follows:

PREVIOUS AERIAL ELECTRIC AND PARTIAL SANITARY SEWER LINE.

THESE LINES WERE REMOVED DURING DEVELOPMENT OF THE SUBJECT
PROPERTY.

I swear that all of the information contained in this application is true and correct to the best of my knowledge and belief.

ZP NO. 85, LTD., a Texas limited partnership

Applicant's Signature: [Signature]

BY: ZP NO. 85 MEMBER, INC., a Texas
corporation, its sole General Partner

Applicant's Name: JEFFREY L. ZIMMER, PRESIDENT

Applicant's Address: P.O. BOX 2628

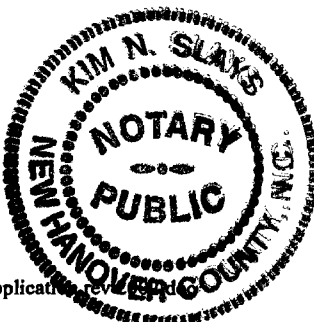
WILMINGTON, NC 28402

Applicant's Phone Number: (910) 763-4669

NORTH CAROLINA
STATE OF ~~TEXAS~~
COUNTY OF ~~BRAZOS~~
NEW HANOVER

ACKNOWLEDGMENT

Subscribed and sworn to before me, a Notary Public, this 13th day of
AUGUST, 2002, by JEFFREY L. ZIMMER.



[Signature]
Notary Public in and for
the State of ~~Texas~~ NORTH CAROLINA

Application for Abandonment of
a Public Right-of-Way/Easement

Located: PORTION OF LOT 3, WOLF PEN PLAZA

EXHIBIT NO. 1

Attached are two sealed copies of the metes and bounds description (dividing the area in half) of the public right-of-way/easement situated in PORTION OF LOT 3, WOLF PEN PLAZA Addition/Subdivision to the City of College Station, Brazos County, Texas, sought to be abandoned.

**METES AND BOUNDS DESCRIPTION
OF A
0.255 ACRE TRACT
PORTION OF LOT 3
WOLF PEN PLAZA
COLLEGE STATION, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING THE PORTION OF AN EXISTING 20.00 FOOT WIDE EASEMENT AREA CROSSING LOT 3, WOLF PEN PLAZA, ACCORDING TO THE PLAT RECORDED IN VOLUME 3588, PAGE 47 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWEST LINE OF GEORGE BUSH DRIVE MARKING THE NORTH CORNER OF SAID EASEMENT AREA, FOR REFERENCE A 5/8 INCH IRON ROD FOUND MARKING THE NORTHEAST CORNER OF SAID LOT 3 BEARS: N 47° 35' 46" W FOR A DISTANCE OF 337.63 FEET;

THENCE: S 47° 35' 46" E ALONG THE SOUTHWEST LINE OF GEORGE BUSH DRIVE, SAME BEING THE NORTHEAST LINE OF SAID LOT 3, FOR A DISTANCE OF 20.00 FEET TO A POINT, FOR REFERENCE A 5/8 INCH IRON ROD FOUND MARKING AN ANGLE POINT IN SAID LINE BEARS: S 47° 35' 46" E FOR A DISTANCE OF 95.39 FEET (THIS LINE WAS USED FOR BEARING ORIENTATION HONORING THE PLAT CALL BEARING OF WOLF PEN PLAZA, 3588/47);

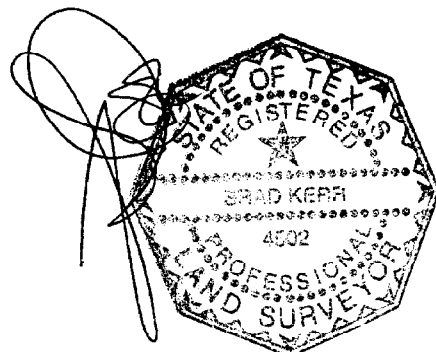
THENCE: S 41° 31' 31" W THROUGH SAID LOT 3 AND ALONG THE SOUTHEAST LINE OF SAID EASEMENT AREA FOR A DISTANCE OF 554.51 FEET TO A POINT ON THE COMMON LINE OF SAID LOT 3 AND LOT 2, WOLF PEN PLAZA, FOR REFERENCE A 5/8 INCH IRON ROD FOUND ON THE NORTHWEST LINE OF HOLLEMAN DRIVE MARKING THE COMMON CORNER OF SAID LOT 2 AND LOT 3 BEARS: S 48° 25' 19" E FOR A DISTANCE OF 105.00 FEET;

THENCE: N 48° 25' 19" W ALONG THE COMMON LINE OF SAID LOT 2 AND LOT 3 FOR A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTHWEST LINE OF SAID EASEMENT AREA;

THENCE: N 41° 31' 31" E THROUGH SAID LOT 3 AND ALONG THE NORTHWEST LINE OF SAID EASEMENT AREA FOR A DISTANCE OF 554.80 FEET TO THE POINT OF BEGINNING CONTAINING 0.2558 OF AN ACRE (11,093 SQUARE FEET) OF LAND, MORE OR LESS, AS SURVEYED ON THE GROUND JUNE, 2002. SEE PLAT PREPARED AUGUST, 2002, FOR MORE DESCRIPTIVE INFORMATION.

BRAD KERR
REGISTERED PROFESSIONAL LAND SURVEYOR
R.P.L.S. NO. 4502

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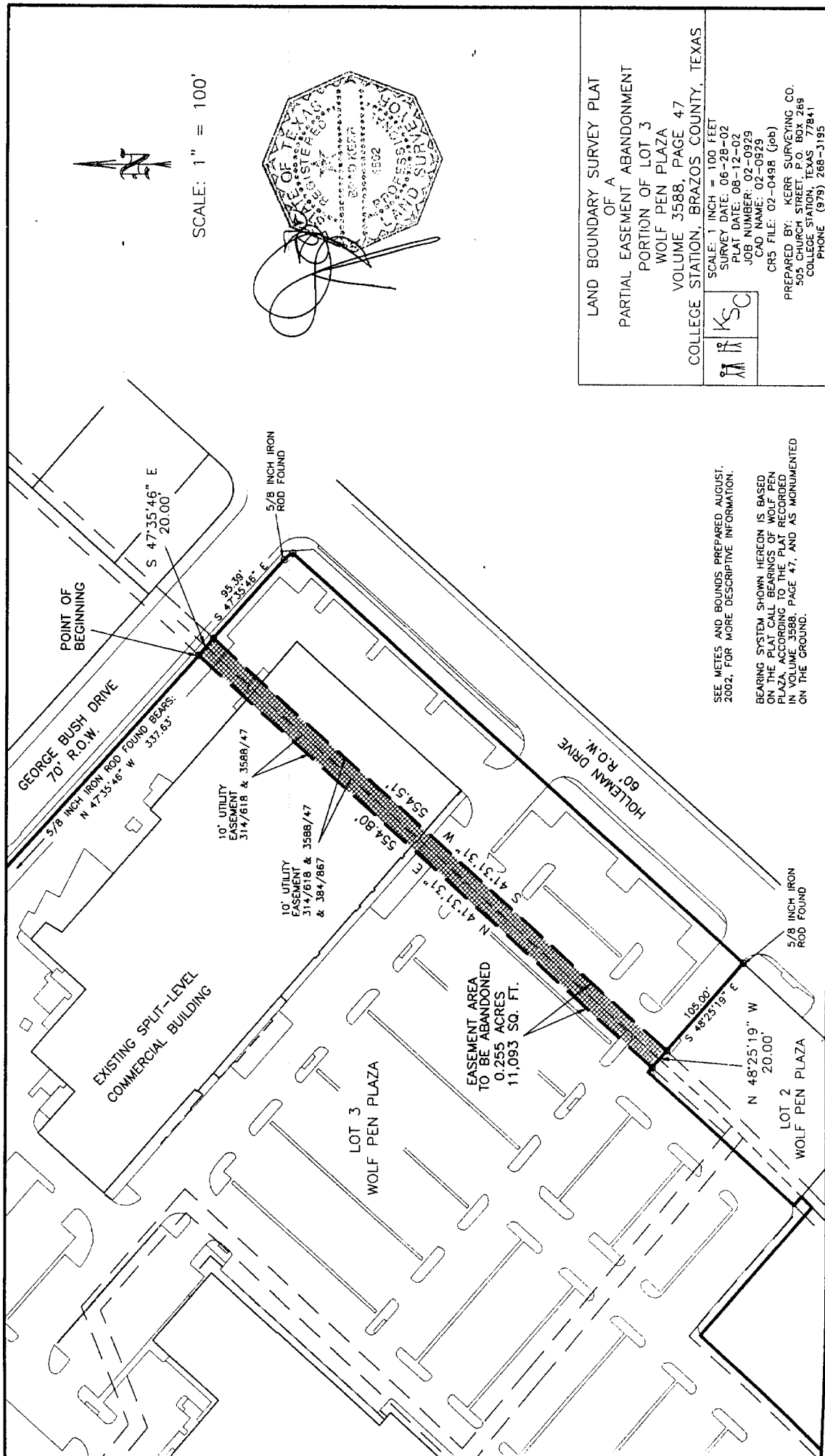


Application for Abandonment of
a Public Right-of-Way/Easement

Located: PORTION OF LOT 3, WOLF PEN PLAZA

EXHIBIT NO. 2

Attached are two copies of a plat or detailed sketch of the public right-of-way/easement sought to be abandoned in the above-mentioned application, showing the surrounding area to the nearest streets in all directions, abutting lots, the block or blocks in which the portion of the public right-of-way/easement sought to be vacated is situated, and the addition or subdivision in which the portion of the public right-of-way/easement sought to be abandoned is situated. Also, the names of record owners of the abutting lots are shown.



LAND BOUNDARY SURVEY PLAT
OF A
PARTIAL EASEMENT ABANDONMENT
PORTION OF LOT 3
WOLF PEN PLAZA
VOLUME 3588, PAGE 47
COLLEGE STATION, BRAZOS COUNTY, TEXAS

SCALE: 1" = 100 FEET
SURVEY DATE: 06-28-02
PLAT DATE: 08-12-02
JOB NUMBER: 02-0929
CAD NAME: 02-0929
CRS FILE: 02-0498 (job)

PREPARED BY: KERR SURVEYING CO.
505 CHURCH STREET, P.O. BOX 269
COLLEGE STATION, TEXAS 77841
PHONE (979) 268-3195

SEE METES AND BOUNDS PREPARED AUGUST, 2002, FOR MORE DESCRIPTIVE INFORMATION.

BEARING SYSTEM SHOWN HEREON IS BASED ON THE PLAT CALL BEARINGS OF WOLF PEN PLAZA, ACCORDING TO THE PLAT RECORDED IN VOLUME 3588, PAGE 47, AND AS MONUMENTED ON THE GROUND.

Application for Abandonment of
a Public Right-of-Way/Easement

Located: Wolf Pen Plaza, Goodys, College Station, TX

EXHIBIT NO. 3

The undersigned public utility companies, using or entitled to use, under the terms and provisions of our respective franchises with the City of College Station, that portion of the public right-of-way/utility easement sought to be abandoned in the Application for Abandonment above referred to, do hereby consent to the abandonment of the described portion thereof.

TXU GAS COMPANY

BY: [Signature]
Title Engineer

VERIZON TELEPHONE COMPANY

BY: _____
Title _____

COX COMMUNICATIONS CABLE COMPANY

BY: _____
Title _____

Application for Abandonment of
a Public Right-of-Way/Easement

Located: Wolf Pen Plaza, Goodys, College Station, Tx

EXHIBIT NO. 3

The undersigned public utility companies, using or entitled to use, under the terms and provisions of our respective franchises with the City of College Station, that portion of the public right-of-way/utility easement sought to be abandoned in the Application for Abandonment above referred to, do hereby consent to the abandonment of the described portion thereof.

TXU GAS COMPANY

BY: _____
Title _____

VERIZON TELEPHONE COMPANY

BY: John Smith
Title Sub. Network Eng.

COX COMMUNICATIONS CABLE COMPANY

BY: _____
Title _____

Application for Abandonment of
a Public Right-of-Way/Easement

Located: Wolf Pen Plaza, Goody's, College Station, TX

EXHIBIT NO. 3

The undersigned public utility companies, using or entitled to use, under the terms and provisions of our respective franchises with the City of College Station, that portion of the public right-of-way/utility easement sought to be abandoned in the Application for Abandonment above referred to, do hereby consent to the abandonment of the described portion thereof.

TXU GAS COMPANY

BY: _____
Title _____

VERIZON TELEPHONE COMPANY

BY: _____
Title _____

COX COMMUNICATIONS CABLE COMPANY

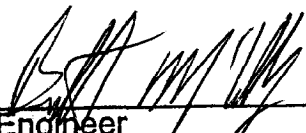
BY: Michael L. Linder
Title Plant Manager

Application for Abandonment of
a Public Right-of-Way/Easement

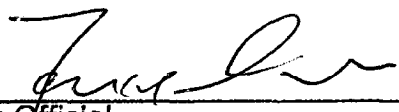
Located: PORTION OF LOT 3, WOLF PEN PLAZA

EXHIBIT NO. 4


The undersigned, City staff of the City of College Station, certify that they have carefully considered the Application for Abandonment of the public right-of-way/easement referred to above from the standpoint of City of College Station ordinances and with respect to present and future needs of the City of College Station and see no objection to the requested abandonment from the City's standpoint.



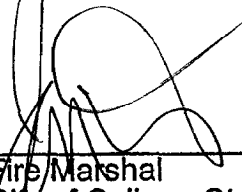
Engineer
City of College Station



Building Official
City of College Station



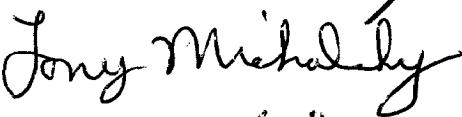
Zoning Official
City of College Station



Fire Marshal
City of College Station

Director of Public Utilities
City of College Station

 Water/Wastewater Utility Rep

 - Electric Utility Rep.
9-11-02

Application for Abandonment of
a Public Right-of-Way/Easement

Located: PORTION OF LOT 3, WOLF PEN PLAZA

EXHIBIT NO. 5

The undersigned, owners of property abutting upon that portion of the public right-of-way/easement named and described in the Application for Abandonment of a Public Right-of-Way/Easement referred to above, do hereby consent to such abandonment.

THERE ARE NO ABUTTING PROPERTY OWNERS.

NAME: _____

ADDRESS: _____

NAME: _____

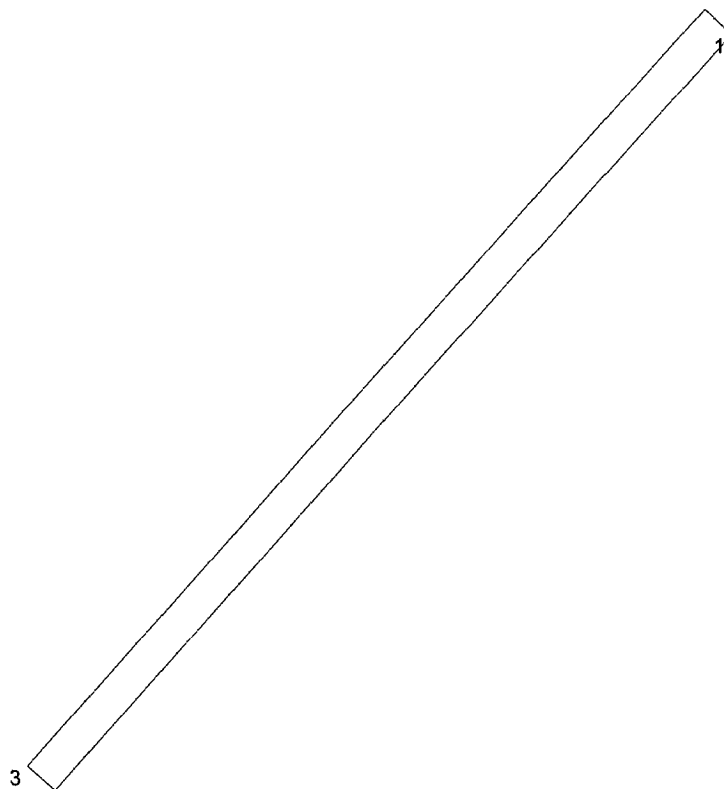
ADDRESS: _____

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____



Scale = 1: 105 (Feet)

1 S 41° 31' 31" W 554.51
2 N 48° 25' 19" W 20
3 N 41° 31' 31" E 554.8

4 S 47° 35' 46" E 20

Close of